

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

MARTIN GOTTESFELD

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CRIMINAL NO. 16-10305-NMG

EMERGENCY MOTION FOR TEMPORARY RELEASE

Defendant, Martin Gottesfeld, hereby moves that the Court temporarily revoke its detention order so that he may attend a memorial service honoring his father, who passed away this past Saturday. As set forth below and in the exhibits accompanying this Motion, defendant proposes that he be released this Friday, March 31, 2017, to travel to Pompano Beach, Florida. He will then surrender to the U.S. Marshals in Boston on Monday, April 3, 2017 to resume pretrial detention.

As reasons therefore, defendant through counsel states the following:

1. Gottesfeld was arrested in Florida on February 17, 2016 and temporarily detained to be transported to Boston. This Court subsequently ordered Gottesfeld detained pending trial. [D.E. 25.] Gottesfeld has now been detained for more than thirteen months.

2. Last Saturday, Gottesfeld learned through family members that his father, Jay Gottesfeld, had lost his long-term battle with a terminal illness. *See* Exhibit A, Neptune Society Death Confirmation.¹

¹ Exhibits to this filing have been redacted in accordance with Fed. R. Crim. P. 49.1. Original Exhibits will be made available to the Court and the parties upon request.

3. The Gottesfeld family has scheduled a memorial gathering honoring Gottesfeld's father this Saturday, April 1, 2017. *See* Exhibit B, Jay Gottesfeld Memorial Invitation.

4. The family has arranged for Gottesfeld's air travel to Fort Lauderdale, Florida, as well as to and from the assisted living facility in Pompano Beach, Florida where his mother lives. *See* Exhibit C, Travel Itinerary. They have also arranged for him stay at the facility so that he may attend the memorial gathering before returning to custody in Boston on Monday, April 3, 2017. *See* Exhibit D, John Knox Village Room Reservation Confirmation.

5. The family has developed a detailed itinerary that can be monitored by GPS location monitoring to confirm Gottesfeld's compliance while temporarily released. *See* Exhibit C, Travel Itinerary. Gottesfeld's mother has agreed to sign an unsecured appearance bond to further insure compliance and Gottesfeld's return to custody in Boston. *See* Declaration of Gloria Gottesfeld.

6. Defendant submits that temporary release with stringent conditions that include surrender to U.S. Marshals custody for resumption of his pretrial detention will reasonably assure Gottesfeld's appearance. 18 U.S.C. § 3142(c).

7. Defendant therefore requests that the Court temporarily release him on the following conditions:

- a) Travel directly to (and on April 3, 2017, return from) Pompano Beach, Florida through the Fort Lauderdale airport as detailed in Exhibit C to this Motion;
- b) Residence and movements confined to the John Knox Village Continuing Care Retirement facility, with the exception of attendance at the memorial service at the Ebb Tide Hotel on Saturday, April 1, 2017, as detailed in Exhibit C to this Motion;
- c) Installation of a GPS locating device to monitor Gottesfeld's movements throughout the weekend;
- d) No access to any digital device for communication to the internet or any other purpose;

- e) Surrender to the United States Marshals Office immediately upon arrival in Boston;
- f) Appointment of Gloria Gottesfeld as third-party custodian and execution of a \$100,000 unsecured bond by her guaranteeing Gottesfeld's compliance.

8. The government opposes this Motion. The government's view, after consultation with the United States Marshals Service and in light of Gottesfeld's prior flight and arrest in South Florida, is that no condition or combination of conditions, including those outlined above, can ensure Defendant's appearance in court, should he be released.

9. The Probation Department is aware of this filing and is available to consult with the Court regarding defendant's Motion.

MARTIN GOTTESFELD
By his attorney,

/s/ Timothy G. Watkins
Timothy G. Watkins
Federal Defender Office
51 Sleeper Street, 5th Floor
Boston, MA 02210
Tel: 617-223-8061

CERTIFICATE OF SERVICE

I, Timothy G. Watkins, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), as well as Supervising U.S. Probation Officer Susan Walls, on March 28, 2017.

/s/ Timothy G. Watkins
Timothy G. Watkins